

MEMORANDUM

March 4, 2020

TO: Public Safety Committee

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: Bill 2-20, Bicycles – Registration - Amendments

PURPOSE: Worksession – Committee to make recommendations on Bill

Bill 2-20, Bicycles – Registration - Amendments, sponsored by Lead Sponsors Council Vice President Hucker, Councilmembers Jawando, Glass, Riemer and Co-sponsors, Council President Katz, Councilmembers Navarro, Friedson, Albornoz and Rice, was introduced on January 21, 2020. Three people testified at the public hearing on February 11.¹

Bill 2-20 would:

- make registration of a bicycle owned by a County resident for personal use voluntary;
- continue to require the registration of a bicycle provided for rent in the County;
- repeal the authority to impound an unregistered bicycle owned by a County resident for personal use; and
- repeal the authority to deposit the proceeds from the sale of an impounded or abandoned bicycle in the Police Relief and Retirement Fund.

Background

Code §7-4(a) requires a County resident to register each bicycle used on a public street, right-of-way, or bicycle path in the County. This provision has been in County law for more than 25 years. Section 7-5(d) authorizes the County Police or the Maryland- National Capital Park and Planning Police to impound an unregistered bicycle until it is registered, donate it to a charitable organization, or dispose of it as provided for abandoned vehicles. Section 7-5(d) also requires the County to deposit the net proceeds from the sale of an impounded or abandoned bicycle into the “Police Relief and Retirement Fund.”

Bill 2-20 would make registration of a bicycle owned by a County resident for personal use voluntary and repeal the authority to impound a personal use bicycle due to the owner’s failure to register it. The Bill would continue the mandatory registration of a bicycle provided for rent in the County and continue to permit the impoundment of an unregistered rental bicycle.

¹#MoCoBikeRegistration

Finally, the Bill would repeal the requirement to deposit the proceeds from the sale of an impounded or abandoned bicycle in the “Police Relief and Retirement Fund.” Representatives from the Finance and Police Departments advised that this “Fund” no longer exists. Proceeds from the sale of impounded or abandoned bicycles are deposited into the General Fund.

Public Hearing

Each of the three witnesses supported the Bill. Assistant Police Chief Dinesh Patil, speaking on behalf of the Executive, testified that the compliance rate for bicycle registration is very low and that the Police Relief and Retirement Fund no longer exists. Assistant Chief Patil testified that bicycles can be registered online and that registration may help the Police return a stolen bicycle to its owner. Silver Spring resident Steve Silverman supported the Bill and explained an incident where he was given a citation for a Class C violation for an unregistered bicycle (©10). Finally, Peter Gray, representing the Washington Area Bicycle Association, supported the Bill and testified that County residents are often unaware of the mandatory bicycle registration law. We also received written correspondence from Jonathan Bernstein representing Action Committee for Transit and Dan Wilhelm, representing the Greater Colesville Citizens Association supporting the Bill (©11-13).

Issues

1. What is the fiscal and economic impact of the Bill?

OMB estimated that the Bill would have no fiscal impact and Finance estimated that the Bill would have no impact on the County’s economy (©6-9). OMB pointed out that there is no fee to register a bicycle. Very few bicycles are impounded for lack of registration and the proceeds from the sale of impounded bicycles is negligible.

2. Should personal use bicycle registration be voluntary?

The registration of bicycles can assist the Police in returning a stolen bicycle to its owner. However, the rate of registration of bicycles in the County is very low. Spotty compliance with a mandatory registration law can lead to selective enforcement. Absent a strong public policy reason to keep the registration mandatory, the Bill would continue to permit residents to register a bicycle to assist the Police in returning a stolen bicycle to the owner without forcing all residents to do so or risk a citation.

3. Should the Bill continue mandatory registration of rental bicycles?

The Bill would continue mandatory registration of rental bicycles used in the County. Rental bicycles are becoming more popular, including dockless rentals that are left all over the County. We received no testimony from any of the bicycle rental companies concerning the Bill. Assistant Chief Patil supported the continued mandatory registration of rental bicycles. Absent any evidence of issues with this component of the law, leaving the status quo for rental bicycles seems reasonable.

This packet contains:

- Bill 2-20
- Legislative Request Report
- Fiscal and Economic Impact statement
- Testimony of Steve Silverman
- Written Correspondence

- Circle #
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Bill No. 2-20
Concerning: Bicycles -- Registration -
Amendments
Revised: 12/24/2019 Draft No. 2
Introduced: January 21, 2020
Expires: July 21, 2021
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Council Vice President Hucker, Councilmembers Jawando, Glass and Riemer
Co-sponsors: Council President Katz, Councilmembers Navarro, Friedson, Alborno and Rice

AN ACT to:

- (1) permit voluntary registration of a bicycle owned by a County resident for personal use;
- (2) require the registration of a bicycle provided for rent in the County;
- (3) repeal the authority to impound an unregistered bicycle owned by a County resident for personal use;
- (4) repeal the authority to deposit the proceeds from the sale of an impounded or abandoned bicycle in the Police Relief and Retirement Fund; and
- (5) generally amend the laws governing the use of a bicycle in the County.

By amending

Montgomery County Code
Chapter 7, Bicycles
Sections 7-1, 7-4, and 7-5

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 7-1, 7-4, and 7-5 are amended as follows:

7-1. Definitions.

In this Chapter:

(a) *bicycle* means a vehicle designed:

(1) to be propelled only by human power;

(2) to carry one or more persons; and

(3) with 2 wheels, one of which is at least 16 inches in diameter[; and].

(b) *bicycle helmet* means a protective helmet designed for bicycle riders that is approved by the Snell Memorial Foundation or the American National Standards Institute, or that the Director of Transportation determines meets an equivalent standard.

(c) personal use means riding a bicycle by the owner or any other person who the owner authorizes to ride the bicycle without charging rent.

7-4. Bicycle registration.

(a) Any County resident who owns a bicycle [used] for personal use on a public street, right-of-way, or bicycle path in the County [must] may, and the owner of a bicycle for rent in the County must:

(1) register the bicycle by:

(A) completing a form provided by the County Executive or designee; and

(B) paying a registration fee; and

(2) have a legible County registration decal on the bicycle; and

(3) remove the County registration decal when the bicycle is sold, transferred, or dismantled.

(b) Bicycle registration under this Section is not transferable.

(c) A person, other than the owner, must not remove a County registration decal from a bicycle.

28 (d) The County Executive may set bicycle registration fees by executive
29 regulation under method (3).

30 **7-5. Enforcement.**

31 (a) *Enforcement.* The County Police Department must enforce the
32 requirements of this Chapter. The Maryland-National Capital Park and
33 Planning Commission Police may enforce the requirements of this
34 Chapter on Maryland-National Capital Park and Planning Commission
35 property.

36 (b) *Penalty.* Any violation of this Chapter is a class C violation.

37 (c) *Waiver.*

38 (1) The fine for a person's first violation of a bicycle helmet
39 requirement of this Chapter must be waived if:

40 (A) the person charged:

41 (i) is a minor; and

42 (ii) produces proof that the person has obtained a bicycle
43 helmet for the person's use; or

44 (B) the person charged:

45 (i) is the parent or guardian of a minor; and

46 (ii) produces proof that the person has obtained a bicycle
47 helmet for use by that minor.

48 (2) The citation for a person's first violation of a bicycle registration
49 requirement of this Chapter must be rescinded if the person
50 charged produces proof within 15 days after the citation is issued
51 that the bicycle has been registered.

52 (d) *Impoundment.*

53 (1) The County Police Department and the Maryland-National Capital
54 Park and Planning Commission Police may impound any

55 unregistered bicycle that is provided for rent until the bicycle is
 56 properly registered. The Maryland-National Capital Park and
 57 Planning Commission Police may dispose of an unregistered
 58 [bicycles] bicycle that is provided for rent under Commission
 59 regulations.

60 (2) The County police must give an impounding receipt to the owner
 61 or operator of the unregistered bicycle that is provided for rent. If
 62 an unregistered bicycle provided for rent is impounded, the County
 63 police must hold an unregistered bicycle provided for rent until it
 64 is:

65 (A) registered;

66 (B) donated to a non-profit organization that is exempt from
 67 taxation under Section 501(c)(3) of the Internal Revenue
 68 Code in the discretion of the Chief Administrative Officer if
 69 reasonable attempts to locate the owner are unsuccessful; or

70 (C) disposed of in the manner provided for abandoned motor
 71 vehicles under Section 31-63.

72 [(3) The net proceeds received from the sale of impounded or
 73 abandoned bicycles by the County police must be deposited in the
 74 Police Relief and Retirement Fund.]

75 *Approved:*

76

Sidney Katz, President, County Council

Date

LEGISLATIVE REQUEST REPORT

Bill 2-20

Bicycles – Registration - Amendments

DESCRIPTION:	Bill 2-20 would: <ul style="list-style-type: none">• permit voluntary registration of a bicycle owned by a County resident for personal use;• require the registration of a bicycle provided for rent in the County;• repeal the authority to impound an unregistered bicycle owned by a County resident for personal use; and• repeal the authority to deposit the proceeds from the sale of an impounded or abandoned bicycle in the Police Relief and Retirement Fund.
PROBLEM:	Although the bicycle registration law has been in force for more than 25 years, many residents have not registered their bicycles. Fining a resident and impounding a bicycle for failure to register it is unnecessary for criminal enforcement.
GOALS AND OBJECTIVES:	The goal is to make the registration of personal use bicycles voluntary.
COORDINATION:	
FISCAL IMPACT:	To be provided
ECONOMIC IMPACT:	To be provided
EVALUATION:	To be provided
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Robert H. Drummer, Senior Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	Class C Civil Violation



ROCKVILLE, MARYLAND

MEMORANDUM

February 14, 2020

TO: Sidney Katz, President, County Council

FROM: Richard S. Madaleno, Director, Office of Management and Budget *RSM*
Michael Coveyou, Acting Director, Department of Finance *mjc*

SUBJECT: FEIS for Bill 2-20, Bicycles – Registration - Amendments

Please find attached the Fiscal and Economic Impact Statements for the above-referenced legislation.

RSM:cm

c: Andrew Kleine, Chief Administrative Officer
Fariba Kassiri, Deputy Chief Administrative Officer
Caroline Sturgis, Assistant Chief Administrative Officer
Debbie Spielberg, Special Assistant to the County Executive
Dale Tibbitts, Special Assistant to the County Executive
Lisa Austin, Office of the County Executive
Barry Hudson, Director, Public Information Office
Marcus Jones, Chief, Department of Police
Rob Hagedoorn, Department of Finance
Dennis Hetman, Department of Finance
David Platt, Department of Finance
Monika Coble, Office of Management and Budget
Rich Harris, Office of Management and Budget
Trevor Lobaugh, Office of Management and Budget
Chrissy Mireles, Office of Management and Budget

Fiscal Impact Statement
Bill 2-20 Bicycles – Registration - Amendments

1. Legislative Summary.

Bill 2-20 would permit voluntary registration of a bicycle owned by a County resident for personal use, require the registration of a bicycle provided for rent in the County, repeal the authority to impound an unregistered bicycle owned by a County resident for personal use, and repeal the authority to deposit the proceeds from the sale of an impounded or abandoned bicycle in the Police Relief and Retirement Fund.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

No changes in County expenditures or revenues are anticipated due to the amendments of this bill. There is no registration fee or associated revenue from bicycle registration. Very few bicycles are impounded each year due to lack of registration and proceeds from sale are negligible.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

No changes in County expenditures or revenues are anticipated over the next 6 fiscal years due to the amendments of this bill.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to the County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Bill 2-20 does not authorize future spending.

7. An estimate of the staff time needed to implement the bill.

There is no additional staff time needed to implement the bill.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

There is no impact on current staff responsibilities.

9. An estimate of costs when an additional appropriation is needed.

No additional appropriation is needed to implement Bill 2-20.

10. A description of any variable that could affect revenue and cost estimates.

Not applicable.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a bill is likely to have no fiscal impact, why that is the case.

The Police Department anticipates no measurable change in workload to accommodate this change and there will be no material fiscal impact. Currently, only a small fraction of bicycles are being registered even though it is required to do so in the current law. There is no registration fee or associated revenue from bicycle registration. Very few bicycles are impounded each year due to lack of registration and proceeds from sale are negligible.

13. Other fiscal impacts or comments.

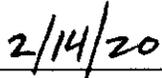
None.

14. The following contributed to and concurred with this analysis (enter name and dept.)

Trevor Lobaugh, Office of Management and Budget

Neil Shorb, Police Department


Richard S. Madaleno, Director
Office of Management and Budget


Date

**Economic Impact Statement
Bill 2-20 Bicycles – Registration - Amendments**

Background:

Bill 2-20 would:

- permit voluntary registration of a bicycle owned by a County resident for personal use;
- require the registration of a bicycle provided for rent in the County;
- repeal the authority to impound an unregistered bicycle owned by a County resident for personal use; and
- repeal the authority to deposit the proceeds from the sale of an impounded or abandoned bicycle in the Police Relief and Retirement Fund.

1. The sources of information, assumptions, and methodologies used.

There were no sources of information, assumptions, or methodologies needed in the formulation of this economic impact statement.

2. A description of any variable that could affect the economic impact estimates.

There are no variables that could affect the economic impact estimates from this legislation. The goal of the legislation is to make the registration of personal bicycles voluntary. Although the bicycle registration law has been in force for more than 25 years, many residents have not registered their bicycles. Fining a resident and impounding a bicycle for failure to register it is unnecessary for criminal enforcement.

3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.

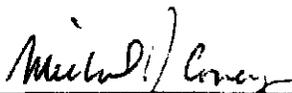
The Bill will have no measurable effect on employment, spending, savings, investment, incomes, or property values in the County.

4. If a Bill is likely to have no economic impact, why is that the case?

Please see paragraph 3.

5. The following contributed to or concurred with this analysis:

David Platt, Dennis Hetman – Department of Finance.



Michael Coveyou, Acting Director
Department of Finance

2/4/20

Date

Testimony of Steve Silverman

Montgomery County Council Public Hearing: Bill 2-20, Bicycles - Registration - Amendments
Feb. 11, 2020

Good afternoon, Councilmembers.

My name is Steve Silverman. I'm a Silver Spring resident, and you know me as the guy who got a *criminal* citation for riding my bicycle without a county registration sticker. Like you, I was astonished to learn that Montgomery County police have the power to charge people with this unusual crime. I'm grateful for the Council's swift response, and SB-20 is a crucial first step towards preventing similar abuses.

When I researched the law, I learned that because of a fundamental quirk in the Montgomery County Code, police could criminally charge and arrest people for a variety of behaviors — and *non-behaviors* — that should never be punishable with more than a civil violation.

The County Code contains three classes of violations — Class A, B, and C. Class A violations allow for the most severe penalties, descending to the lowest Class C violations, which are punishable by a maximum of \$50.00 for a first offense.

My bicycle registration violation, for example, is a Class C violation. Under County Code Sections 1-18 and 1-19, law enforcement officers may write up a Class A through C violation as a *civil citation*. But officers may also write up those violations as *misdemeanor crimes*. That can include an arrest. Or, as with my case, officers can issue a criminal citation without making an arrest — but I later received a County notice to appear for trial or face up to 10 days in jail.

Councilmember Jawando says that “every arrest is a policy failure.” I agree. If the council wants to further reduce the issuance of unnecessary and retaliatory criminal arrests and citations, you can undertake revisions to Sections 1-18 and 1-19 of the Montgomery County Code.

The revisions can do one or a combination of the following.

- 1) Remove law enforcement discretion to issue criminal citations for one or more offenses punishable as a class A–C civil violation. OR
- 2) Remove law enforcement discretion to issue criminal citations for one or more *classes* of A–C offenses.

Again, I appreciate the Council's swift response to the bicycle registration law and urge you to see it as the *beginning* of a conversation to limit the police use of criminal citations in Montgomery County. This initiative will restore people's trust in the law and in the people who enforce and make the law. Thank you.

Dear Councilmembers:

I am a member of Action Committee for Transit (ACT) and was asked to communicate ACT's support for this pending bill. While I was unable to testify today during consideration of Bill 2-20, instead on behalf of ACT, I submit this brief statement.

ACT supports making voluntary the registration of a bicycle owned by a County resident for personal use, and repeal of the authority to impound a personal use bicycle due to the owner's failure to register it.

First, so few residents and cyclists knew about the county law requiring bike registration. As a general matter, having a law that isn't known or obeyed is unhealthy to the goal of voluntary compliance with law. Second, the selective enforcement episode that gave rise to this bill shows another unhealthy aspect. For these reasons, making this registration voluntary is a good solution.

Also, if there is a real benefit to residents from bike registration, we have no objection to and would support the County and police incentivizing residents to register their bikes.

Jonathan Bernstein

Action Committee for Transit

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From: Katz's Office, Councilmember [Councilmember.Katz@montgomerycountymd.gov]
Sent: Saturday, February 8, 2020 5:08:24 PM
To: Council President
Subject: Fwd: Support Bill 2-20

[Get Outlook for iOS](#)

From: Dan Wilhelm <djwilhelm@verizon.net>
Sent: Saturday, February 8, 2020 11:02:15 AM
To: Friedson's Office, Councilmember <Councilmember.Friedson@montgomerycountymd.gov>; Rice's Office, Councilmember <Councilmember.Rice@montgomerycountymd.gov>; Glass's Office, Councilmember <Councilmember.Glass@montgomerycountymd.gov>; Albornoz's Office, Councilmember <Councilmember.Albornoz@montgomerycountymd.gov>; Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>; Navarro's Office, Councilmember <Councilmember.Navarro@montgomerycountymd.gov>; Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>; Hucker's Office, Councilmember <Councilmember.Hucker@montgomerycountymd.gov>; Jawando's Office, Councilmember <Councilmember.Jawando@montgomerycountymd.gov>
Subject: Support Bill 2-20

[EXTERNAL EMAIL]

Greater Colesville Citizens Association
PO Box 4087
February 11, 2020

Montgomery County Council
Attn: Sidney Katz, President
100 Maryland Ave
Rockville, MD 20850

Re: Bill 2-20, Bicycles

Dear Council President Katz:

The Greater Colesville Citizens Association (GCCA) supports Bill 2-20.

We understand it has been the law for 25 years that residents need to register their bicycles with the police and that if not registered that police can impound them. We like most citizens in the county did not know this requirement existed and we oppose such a requirement. We think this law is a measure of the gov't overreaching. We think that few residents will ever learn of this law unless their bicycles are impounded. If that were to happen, those citizens and likely other people they talk with would be angry with the police and likely county officials. Such an action is contrary to good policing where citizens support the police and provide information concerning real crimes. This current law also takes police away from addressing sufficient crime.

We support changing the law to allow voluntary registration of a bicycle owned by a County resident of personal use. We support continuing the registration requirement for bicycles that are rented. We also

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support the change to repeal the authority to impound an unregistered bicycle owned by a County resident for personal use.

Sincerely,

Daniel L. Wilhelm,
GCCA President

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